

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**W HOLDING COMPANY, INC., ET AL.,
Plaintiffs**

v.

**CHARTIS INSURANCE COMPANY OF
PUERTO RICO,
Defendant**

**FEDERAL DEPOSIT INSURANCE
CORPORATION, AS RECEIVER OF
WESTERNBANK PUERTO RICO,
Plaintiff Intervenor**

v.

**FRANK STIPES GARCIA, ET AL.,
Cross Claim Defendants**

**CHARTIS INSURANCE COMPANY OF
PUERTO RICO,
Previously Joined Defendant**

**MARLENE CRUZ CABALLERO AND
THE FRONTERA-CRUZ CONJUGAL
PARTNERSHIP, ET AL.,
Additional Defendants**

CIVIL ACTION NO. 11-02271 (GAG)

JURY TRIAL DEMANDED

**FIRST AMENDMENT TO SECOND AMENDED AND
RESTATED COMPLAINT IN INTERVENTION**

NOW INTO COURT, through undersigned counsel, comes the Federal Deposit Insurance Corporation (“FDIC” or “Receiver”), as Receiver of Westernbank Puerto Rico (“Westernbank” or “the Bank”), to amend the Second Amended and Restated Complaint in Intervention [Doc. 182] (the “Second Amended Complaint”), as follows:

1.

The caption of the Second Amended Complaint is hereby amended to substitute the name “Carlos Gonzalez Alonso” for the name “John Doe.”

2.

Paragraph 55(B) of the Second Amended Complaint is hereby amended to read as follows:

Defendant Carlos Gonzalez Alonso, in his capacity as Trustee of the Dominguez Sotomayor Family Trust, is the Trustee of a family trust named the “Dominguez Sotomayor Family Trust,” to which Defendant Dominguez transferred substantial assets without consideration.

3.

Paragraph 97 of the Second Amended Complaint is hereby amended to read as follows:

On or about December 28, 2010, over seven months after FDIC was appointed Receiver of Westernbank, Dominguez transferred approximately \$745,000 in assets to the “Dominguez Sotomayor Family Trust.” Defendant Carlos Gonzalez Alonso, in his capacity as Trustee of the Dominguez Sotomayor Family Trust, is the Trustee of this trust. There was no consideration for the transfers.

4.

FDIC adopts and reiterates all other allegations contained in the Second Amended Complaint, including but not limited to the prayer for Relief Requested therein, as though set forth at length herein.

I HEREBY CERTIFY that on this date I filed this document electronically with the Clerk of Court using CM/ECF, which will cause a notice of electronic filing to be served on all registered users.

In San Juan, Puerto Rico, on September 10, 2012.

Respectfully submitted,

**TORO, COLON, MULLET, RIVERA
& SIFRE, PSC**

Post Office Box 195383
San Juan, Puerto Rico 00919-5383
Telephone: (787) 751-8999
Facsimile: (787) 763-7760

/s/MANUEL FERNÁNDEZ-BARED

MANUEL FERNÁNDEZ-BARED

USDC-PR No. 204204

E-mail: mfb@tcmrslaw.com

/s/JANE PATRICIA VAN KIRK

JANE PATRICIA VAN KIRK

USDC No. 220510

E-mail: jvankirk@tcmrslaw.com

LISKOW & LEWIS, PLC

One Shell Square
701 Poydras St., Suite 5000
New Orleans, Louisiana 70139-5099
Telephone: (504) 581-7979
Facsimile: (504) 556-4108
James A. Brown, TA (LA Bar # 14101) (PHV)
E-mail: jabrown@liskow.com
George Denegre, Jr. (LA Bar # 8387) (PHV)
E-mail: gdenegre@liskow.com
Erin L. Delatte (LA Bar #33088) (PHV)
E-mail: eldelatte@liskow.com